

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SIGNATOURS CORPORATION,

Plaintiff,

v.

CHAD HAUER and STEPHANIE  
HAUER, a married couple,

Defendants.

CASE NO. 2:23-CV-01204-LK

ORDER TO SHOW CAUSE

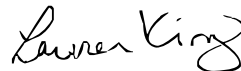
This matter comes before the Court sua sponte. Signatours Corporation has taken no action in this case since filing its corporate disclosure statement on August 8, 2023, Dkt. No. 2, and the last activity of record was the Court's posting of its Standing Order for All Civil Cases on August 10, 2023, Dkt. No. 7. Although the Clerk of Court issued a summons addressed to the Hauers, Dkt. No. 5, Signatours has not filed an affidavit or other proof of proper service. *See* Fed. R. Civ. P. 4(e), (l)(1).

"An individual or entity named as a defendant is not obliged to engage in litigation unless notified of the action, and brought under a court's authority, by formal process." *Murphy Bros.*,

1 *Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 347 (1999); *see also Omni Cap. Int'l, Ltd. v.*  
2 *Rudolf Wolff & Co.*, 484 U.S. 97, 104 (1987) (“Before a federal court may exercise personal  
3 jurisdiction over a defendant, the procedural requirement of service of summons must be  
4 satisfied.”). And when “a defendant is not served within 90 days after the complaint is filed, the  
5 court—on motion or on its own after notice to the plaintiff—must dismiss the action without  
6 prejudice against the defendant or order that service be made within a specified time.” Fed. R. Civ.  
7 P. 4(m). The district court must extend the 90-day period upon a showing of good cause and, absent  
8 such a showing, retains broad discretion to dismiss the action or extend the period for service. *Id.*;  
9 *see In re Sheehan*, 253 F.3d 507, 512 (9th Cir. 2001); *Efaw v. Williams*, 473 F.3d 1038, 1041 (9th  
10 Cir. 2007). “[I]f good cause is not established, the district court may extend time for service upon  
11 a showing of excusable neglect.” *Lemoge v. United States*, 587 F.3d 1188, 1198 (9th Cir. 2009).

12 The Court therefore ORDERS Signatours to show cause, within 21 days of this Order, why  
13 this action should not be dismissed without prejudice for failure to timely serve the Hauers in  
14 accordance with Rule 4. To justify an extension of the now-expired 90-day window, Signatours  
15 must set forth facts establishing good cause or excusable neglect. Signatours may in the alternative  
16 file proof of proper service (i.e., a process server’s affidavit establishing that the Hauers were  
17 properly served within the 90-day window) or otherwise show that the Hauers have agreed to  
18 waive service. The Court will dismiss this case without prejudice absent a timely response.

19 Dated this 10th day of January, 2024.

20 

21 Lauren King  
22 United States District Judge  
23  
24